

REMARKS/ARGUMENTS

Claims 1-12 were pending. In this response, no claims are amended or cancelled. Therefore, claims 1-12 remain pending.

In the Office Action, claims 1-12 were rejected under 35 USC §103(a) as being unpatentably obvious over U.S. Pat. No. 6,256,623 to Jones in view of U.S. Pat. No. 6,675,205 to Meadway et al. (hereinafter "Meadway") (for claims 1-3) and over Jones and Meadway in view of U.S. Pat. No. 6,233,575 to Agrawal et al. (hereinafter "Agrawal") (for claims 4-12).

Jones teaches network search access constructs referred to as search clips. Search clips can be displayed in place on a web page. Search criteria entered into a search clip can be translated based on a predetermined set of search rules to execute the search. The search clips can be stored in a database and indexed using identifiers, tags identifying search words or topics that the clip is related to, etc. By using search clips, segment specific searches can be done for different types of searches. Those segment specific searches can be entered using segments specific to the search clip type. As shown in the figures of Jones, a user can choose an unstructured search (see item 330 in Fig. 3 of Jones, for example) or a more structured search (such as those provided in the upper portion of frame 342 in Fig. 3 of Jones).

Meadway describes a peer-to-peer service that provides centralized searches where the searches are done against peer systems known to contain the requested data. If a particular peer known to contain the requested data is off-line, a central server will queue the search until a particular peer is on-line.

Agrawal describes a system for generating a taxonomy for a set of documents and using that taxonomy for classifying those documents.

Cited References Distinguished

Claim 1 is allowable over the cited references as those references, alone or in combination, fail to disclose or suggest each element of claim 1. For example, claim 1 recites "obtaining the host content; formulating a search query based on the host content; applying the search query to a search engine to search guest content" among other elements. These elements are not disclosed or suggested by the cited references. Additionally, there is no suggestion to

combine the references as the Examiner has done and it is not clear from the references that there would be any synergistic combination.

In the Office Action, the Examiner conceded that Jones failed to disclose or suggest “obtaining the host content; formulating a search query based on the host content; applying the search query to a search engine to search guest content” has cited in claim 1 and used Meadway for the missing elements. However, on a brief review of Meadway, it appears not to disclose or suggest those elements either.

For example, the Examiner cites to Meadway at column 1, lines 54-59 as teaching the claimed step of obtaining the host content, apparently interpreting host content to mean files retrieved from peer systems and then citing to Meadway at column 3, lines 35-40 and column 6, lines 16-28 as teaching the formulation of a search query based on the host content. Those citations appear to relate to storing a central index, processing search queries received over the Internet, and other unrelated topics. In fact, it should be apparent that even if the files on the peer systems were considered to be the claimed host content, there is nothing in those citations indicating that a search query is formulated based on such content. The Examiner continues by asserting that the claimed “applying the search query to a search engine to search guest content” is shown by Meadway at columns 7, lines 38-67. However, that citation appears to relate to updating indices in server sets.

As far as that reference and citations to it are understood, Meadway also fails to disclose or suggest at least one claimed element that is also not disclosed or suggested by Jones. Therefore, claim 1 is allowable over that combination of references. While the claim is allowable over the combination, Applicant nonetheless traverses the assertion that Jones and Meadway could be combined. Jones relates to a search interface that includes specialized user interfaces for segment-specific searching. Meadway relates to a peer-to-peer system that happens to have a search facility to locate content among the peer systems. Other than the fact that both of the references relate to searches and involve the Internet, they have little in common and Applicant suggests that merely being related to Internet searching does not make two references combinable without more, such as a suggestion to combine or try in at least one of the references.

As claim 1 is allowable over the cited references, that claim is allowable and the rejection should be withdrawn. Applicant notes that even if other references, such as Agrawal, were combined with Jones and Meadway, the combination would still fail to disclose or suggest the claimed invention of claim 1.

Claims 2-3 are allowable at least as depending from allowable claim 1. Nonetheless, some of the Examiner's comments are worth noting. In the rejection of claim 2, the Examiner cited Jones as teaching the use of a host content summary has the search query, citing to Jones, column 4, lines 1-38. This is inconsistent with the Examiner's earlier statement conceding that Jones does not teach formulating a search query based on host content even though use of a host content summary is a part of a step of formulating a search query based on host content. Furthermore, the citation used (Jones, column 4, lines 1-38) relates to the search clips concept and does not describe host content or using a host content summary.

As for claim 3, the Examiner cited to Meadway, column 16, lines 1-62. That citation appears to relate to determining whether to reindex pages in a search engine and does not relate to elements of claim 3. For example, that citation does not disclose or suggest that a search query is a string of one or more keywords to which host content relates.

Claim 4 is allowable over the cited references as those references, alone or in combination, fail to disclose or suggest each element of claim 4. For example, claim 4 recites, among other elements, "distilling the host content to derive host content summary data for the host content" and "storing guest content in an indexable structure, such that a query using host content summary data for requested host content can be applied as a search against the guest content".

The Examiner asserted that Jones shows, at column 4, lines 8-38 and column 7, line 27 to column 8, line 67, "a query using host content summary data for requested host content can be applied as a search against the guest content". This rejection is not well understood, as it is not clear which element(s) in those citations could correspond to the claimed host summary data or that suggest applying host summary data as a search against guest content, or even where the host content and guest content are found. Furthermore, these statements do not appear to be consistent with previous statements made by the Examiner with reference to claim 1 and Jones.

The first citation, to column 4, lines 8-38, appears to relate to the search clips concept and does not describe host content or using a host content summary, while the second citation, to column 7, line 27 to column 8, line 67, relates to a portal host system coupled to a database and a content host. Jones does suggest that search terms entered by the user in a first frame 330 for performing a general search can be search terms also used for querying a database of search clips (see, for example, Jones at column 8, lines 26-35), this does not involve a query using host content summary data for requested host content can be applied as a search against the guest content.

Meadway does not make up for the deficiencies of Jones as it also fails to disclose or suggest the claimed distilling and storing.

Agrawal, at least for the citations provided by the Examiner, does not relate to distilling host content to derive host content summary data for host content and storing guest content in an indexable structure, such that a query using host content summary data for requested host content can be applied as a search against the guest content. The Examiner asserts that Agrawal achieved those limitations by providing multilevel taxonomy for organizing a large tax database into of hierarchy of topics and for maintaining his organization has a document. It is respectfully suggested that organizing a text database into a taxonomy is unrelated to the claimed distilling and storing guest content such that a query using host content summary data for requested host content can be applied as a search against the guest content.

For at least the above reasons, claim 4 (and claims 9 dependent therefrom) are allowable. While claim 10 is distinct from claim 4, the Examiner relied on the rejection of claim 4 for rejecting claim 10 and thus the above reasons would also overcome the Examiner's arguments with respect to claim 10 and dependent claims 11-12. Therefore, Applicant believes that each of the rejections have been addressed and should be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 10/816,456
Amdt. dated December 21, 2004
Reply to Office Action of September 21, 2004

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

1/19/05

Respectfully submitted,

Philip H. Albert
Reg. No. 35,819

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200 Fax: 415-576-0300

~~Attachment~~

PHA:dk
60348549 v1